the order be not carried out, the Magistrate may cause the vegetation or nuisance to be removed, and on the requisition of the said Magistrate the cost of the removal shall be assessed and levied from the inhabitants in the manner provided in sections 16 and 17. * * * [1] .

35 to 47—[*Rep. Bom. Act IV of 1890.*]

THE BOMBAY VILLAGE POLICE ACT, 1867.

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[1] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

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BOMBAY ACT No. VIII OF 1867 [1].

[*21st December, 1867.*]

An Act for the regulation of the Village-police in the Presidency of Bombay.

Preamble.

WHEREAS it is expedient to provide for the regulation of the Village-police in the Presidency of Bombay; It is enacted as follows:—

Interpretation-clause.

1. The terms [2] * * * * "District Superintendent" and "Assistant Superintendent of Police", "Police-officer" and District-police", when used in this Act, mean those constituted under the Bombay District Police [3] [Acts, 1867 and 1890]. Bom. VII of 1867 and IV of 1890.

2. [*Repeal of enactments.*] *Rep. Act XII of 1873.*

Administration, control and direction

3. The administration of the Village-police throughout each district shall, under the control and direction of the Commissioner * * [4],

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1867, Pt. V, p. 66; for Report of the Select Committee, *see ibid*, p. 78 and for Proceedings in Council, *see ibid*, pp. 94 and 358.

As to the application of Bom. Act 8 of 1867 to Sindh, *see* the Sindh Village Officers Act, 1881 (Bom. Act 4 of 1881), s. 5, *infra*, p. 797.

[2] The words "Commissioner of Police" were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), as amended by Bom. Act. 1 of 1891, s. 2 (*a*) (*i*). Both these Acts are now however themselves repealed; but see Schedule B to Bom. Act 3 of 1886, which is printed *infra* as an Appendix to the Bombay General Clauses Act, 1904.

[3] These words and figures were substituted for the word and figures "Act, 1867" by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), as amended by Bom. Act I of 1891, s. 2 (*a*) (*i*).

[4] The words "of Police" were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886).

be exercised by the Magistrate of the district, who may, with the sanction of the Commissioner * *[1], delegate any portion thereof to any Magistrate with full powers having also revenue charge as an Assistant or Deputy Collector. of village-police, in whom vested.

4. It shall be lawful for the Magistrate of a district, with the sanction of the Commissioner * *[1], to depute to the District Superintendent of Police any authority which may be exercised by the Magistrate of a district for the purposes of police over any village police-officer. Power to depute to District Superintendent authority over village-police-officer.

5. *Clause 1.*—The village-police in each village shall be under the charge of such person as the Magistrate of the district shall, subject to the approval of the *[2] Commissioner, appoint in writing to be Police-patel, and unless the Commissioner * *[1], owing to the size of the village or other good cause, see fit to separate the appointments, the Magistrate of the district shall appoint the person conducting the duties of Revenue-patel to be Police-patel. Village-police in villages under charge of Police-patel.

Clause 2.—In making the appointment, the said Magistrate shall have due regard to the provisions * * * * * * *[3] in force for regulating the services of hereditary officers, so far as the same may be applicable; but, when the Revenue-patel is not appointed Police-patel, and more persons than one claim by reason of hereditary right to perform the duties, in rotation or otherwise, it shall be lawful for the Magistrate of the district to appoint the most fit from among their number. Appointment of Police-patel.

Clause 3.—In any town or place in which the duties cannot be efficiently performed by one Police-patel, the Magistrate of the district may, with the consent of the Commissioner * *[1], appoint a sufficient number of Police-patels for the different divisions of the town or place. Police-patels may be appointed for different divisions of town or place.

6. The Police-patel shall, subject to the orders of the Magistrate of the district, act under the orders of the Magistrate within whose local jurisdiction his village is situated, whom he shall furnish with any returns or information called for, and keep constantly informed as to the state of crime and all matters connected with the village-police, the health and general condition of the community in his village. Duties of Police-patel.

He shall also afford all Police-officers every assistance in his power when called upon by them for assistance in the performance of their duty.

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[1] The words "of Police" were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

[2] The word "Police" was repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886).

[3] The words and figures "of Act XI of 1843 (*an Act for regulating the service of Hereditary Officers under the Presidency of Bombay*), or other Acts" were repealed by the Repealing Act, 1876 (12 of 1876).

He shall further promptly obey and execute all orders and warrants issued to him by a Magistrate or Police-officer, shall collect and communicate to the District Police intelligence affecting the public peace, shall prevent within the limits of his village the commission of offences and public nuisances, and shall detect and bring offenders therein to justice.

Authority over village-servants.

7. The Police-patel shall have authority to require all village-servants, in whatever capacity ordinarily empolyed, to aid him in performing the duties entrusted to him; and it shall be the duty of the village-revenue-accountant, whether hereditary or stipendiary, to frame all written returns and proceedings for the Police-patel.

Precautions against robbery, etc.

8. The Police-patel shall dispose of the village-establishment so as to afford the utmost possible security against robbery, breach of the peace and acts injurious to the public and to the village-community, and shall report to the Magistrate to whose jurisdiction he is immediately subordinate all instances of misconduct or neglect committed by any member of the said establishment.

Penalties for neglect of duty, etc.

[1]**9.** Any Police-patel or member of a village-establishment liable to be called on for the performance of Police-duties who shall be careless or negligent in the discharge thereof, shall be liable to be fined under the order of any Magistrate of the first class to any amount not exceeding the fourth part of the annual emoluments of his office.

If he shall be accused of any violation of duty or breach of rule, or of other misconduct which shall seem to such Magistrate to require a heavier punishment, he may suspend him from office during inquiry into such accusation, and at the close of such inquiry, if the said Magistrate shall consider him guilty of misconduct meriting such punishment, he may suspend him from office for a further period not exceeding six months, or dismiss him: Provided that no person of the rank of patel shall be dismissed under this section without the

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[1] This section was substituted by the Bombay Village Police Act Amendment Act, 1876 (Bom. Act 1 of 1876), s. 2, *infra*, p. 549. The original section was as follows:—

"Any Police-patel or member of a Village Establishment liable to be called on for the performance of Police duties who shall be careless or negligent in the discharge thereof, shall be liable to be fined under the order of any Full Power Magistrate to any amount not exceeding his estimated average official emoluments for three months. If he shall be guilty of any violation of duty or breach of rule, or of other misconduct or offence requiring a heavier punishment, he may be dismissed by the said Magistrate, or he may be proceeded against and punished as a public servant under the provisions of the Indian Penal Code, and in case of conviction he will be liable also to dismissal. Provided that in no case shall a person of the rank of Patel be dismissed under this section without the sanction of the Police Commissioner."

sanction of the *[1] Commissioner, [2][or, if he is an officiator under the provi-
Bom. Act III of 1874. sions of the [3] Bombay Hereditary Offices Act, of Government].

Liability to criminal prosecution not affected.

[4]**9A.** Nothing in the last preceding section shall affect the liability of any Police-patel or other member of a village-establishment to a criminal prosecution for any offence with which he may be charged.

Power to suspend during trial.

Any Magistrate of the first class may suspend any person subjected to any such prosecution pending the inquiry and trial.

Information to officer in charge of District Police-station when criminal in village has escaped or is not known.

10. If a crime shall have been committed within the limits of the village, and the perpetrator of the crime has escaped or is not known, the Police-patel shall forward immediate information to the Police-officer in charge of the District Police-station within the limits of which his village is situated, and shall himself proceed to investigate the matter, obtaining all procurable evidence relating to it, which he shall forward to the said officer.

Inquest in cases of unnatural or sudden death, or corpse found within village.

11. *Clause 1.*—If any unnatural or sudden death occur, or any corpse be found, within the bounds of any village, the Police-patel shall forthwith assemble an inquest, to be composed of two or more intelligent persons belonging to the village or neighbourhood, who shall investigate the causes of death and all the circumstances of the case, and make a written report of the same, which the Police-patel shall cause to be forthwith delivered to the Police-officer in charge of the District Police-station within the limits of which the village is situated.

Punishment for refusing or neglecting to serve on inquest.

Clause 2.—Any person who, on being called upon by the Police-patel to serve as a member of such inquest, shall without justifiable cause refuse or neglect to do so, shall be liable, on conviction before a Magistrate, to punishment not exceeding fifty rupees fine, or, in default of payment, to imprisonment for one month.

Corpse when forwarded to nearest Civil Surgeon, etc., for examination.

Clause 3.—If the results of the inquest afford reason for supposing that death has been unlawfully occasioned, the Police-patel shall give immediate notice to the officer in charge of the District Police-station within the limits of which his village is situated, and, if the corpse can be forwarded without the risk of putrefaction by the way, shall at once forward it to the nearest Civil Surgeon or other medical officer appointed by Government to examine corpses under such circumstances, who shall endeavour to ascertain the cause of death.

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[1] The word "Police" was repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 1904), Vol. IV of this Code.

[2] These words were added by the Bombay Repealing and Amending Act, 1905 (Bom. Act 4 of 1905), Vol. IV of this Code.

[3] *Infra*, p. 521.

[4] S. 9A was inserted by the Bombay Village Police Act Amendment Act, 1876 (Bom. Act 1 of 1876), s. 3, *infra*, p. 549.

When burning to be delayed till officer in charge of Police-station assents.

Should the Police-patel be unable to forward the corpse without the risk of putrefaction rendering examination useless or dangerous, he shall nevertheless prevent the burning or burying of such corpse until the Police-officer in charge of the District Police-station within the limits of which his village is situated, or one of his subordinates deputed by him or a Magistrate, shall have assented thereto.

Police-patel to apprehend person he believes has committed serious offence.

12. *Clause 1.*—The Police-patel shall apprehend any person within the limits of his village who he may have reason to believe has committed any serious offence, and shall forward such person, together with all articles likely to be useful as evidence, to the Police-officer in charge of the Police-station within the limits of which his village is situated.

Person apprehended to be forwarded to Police-station.

Clause 2.—Every person so apprehended shall be forwarded within twenty-four hours to the District Police-station within the limits of which the village is situated.

Power to call and examine witnesses, record evidence, and search for concealed articles.

13. *Clause 1.*—The Police-patel, in making any inquiry coming within the scope of his duty, not being a case in which it is competent for him to inflict punishment, shall have authority to call and examine witnesses, and record their evidence on solemn affirmation, and to search for concealed articles, taking care that no search be made in a dwelling-house between sunset and sunrise without urgent occasion.

Power to enter limits of other villages.

Clause 2.—He shall also have authority, in carrying out any search or any pursuit of supposed criminals, to enter and act within the limits of other villages, being bound however to give immediate information to the Police-patel thereof, who shall afford him all the assistance in his power, and be immediately responsible for continuing the search and pursuit.

Power to try and punish for petty assault or abuse.

14. The Police-patel shall have authority to try and, on conviction, to punish with confinement in the village-chaunri, for a period not exceeding twenty-four hours, any person charged with committing within the limits of the village petty assault or abuse:

Provided the charge be laid within eight days of the offence having been committed.

Commissioner of Police may authorize Magistrate to commission Police-patel

15. *Clause 1.*—It shall be lawful for a Commissioner * *[1] by an order in writing to authorize any Magistrate of a district to issue a commission to any person exercising the office of a Police-patel, empowering such Police-patel to try any person charged with any of the following offences com-

[1] The words "of Police" were repealed by the Bombay General Clauses Act, 1886 (Bom Act 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

mitted within the limits of the village in which he is Police-patel, that is to say :— to try certain offenders.

mischief or petty theft, when the estimated value of the property stolen, or of damages sustained, does not exceed two rupees ;

resistance or refusal to obey a lawful order issued by such Police-patel personally.

Clause 2.—And it shall be lawful for a Police-patel so empowered to sentence any person convicted before him of any of the above acts to punishment by fine not exceeding rupees five, or confinement in the village-chaunri for a period not exceeding forty-eight hours, the confinement, in cases of resistance or refusal to obey a lawful order, to be awardable only on a failure to pay a fine. Power of patel to punish.

[1]16. The Police-patel, when and as long as he shall be empowered under section 15, clause 1, shall also have authority to punish by a fine not exceeding one rupee, or, in default of payment, by confinement in the village-chaunri for a period not exceeding twelve hours, any person committing any of the nuisances or disorderly acts below described, and to forbid the continuance or repetition of such nuisances or acts, that is to say :— Power to prohibit, and to punish for—

1. any person who wantonly or cruelly beats, ill-uses or tortures any animal : beating, etc., animal ;
2. any person who bathes or washes in, or otherwise defiles or causes to be defiled, any public well, tank or reservoir, so as to render it less fit for any purpose for which it is set apart : bathing, washing in, or defiling, well, etc. ;
3. any person who deposits in forbidden places any dirt, filth or rubbish : depositing dirt, etc. ;
4. any person who, on any public street, passage or thoroughfare, commits nuisance by easing himself, or who is, from intoxication, riotous, disorderly or incapable of taking care of himself : committing nuisance, etc. ;
5. any person

who without sufficient cause wilfully allows to accumulate any offensive matter in cess-pools, dung-heaps or the like, so as to cause annoyance to the neighbouring residents or to passengers, or accumulating offensive matter in cess-pools, etc. ;

who without sufficient cause wilfully allows any offensive matter to issue on to any public thoroughfare from any house, factory, stable, privy or the like, or allowing offensive matter to issue on thoroughfare ;

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1 During such time as Part II or Part III of the Bombay Village Sanitation Act, 1889 (Bom. Act 1 of 1889), and the rules made thereunder, are in force in any village, cls. 2, 3 and 4 (except the first two and the last thirteen words), and cl. 5 of s. 16 of Bom. Act VIII of 1867 cease to have any operation therein, *see* Bom. Act 1 of 1889, s. 3, Vol. III of this Code.

depositing dead bodies so as to corrupt water for drinking.

who deposits the bodies of dead animals, or refuse or filth of any description, either in channels which in the rainy season feed any tank or reservoir set apart for drinking, or in other places where to deposit such is offensive to the community.

Proceedings how taken under sections 14, 15 and 16.

17. The proceedings under sections 14, 15 and 16 shall be oral and held in presence of the parties, and it shall be optional with the complainant to withdraw his complaint at any time before conviction is recorded.

The Police-patel shall record the names of the parties, the finding, sentence or order, or the withdrawal of the charge, with the date of proceedings and shall forward the same to the Magistrate to whom he is immediately subordinate, in such form and through such channel, and at such times, as the Magistrate of the district shall prescribe.

Power to cancel commission issued under section 15.

18. It shall be lawful for the Magistrate of a district, with the sanction of the Commissioner [1] * * by an order in writing, to cancel either in whole or in part any commission issued under section 15 [1] * * *.

Unclaimed property.

19. The Police-patel shall take charge of all unclaimed property found within his village, or made over to him under the provisions of the [2] Bombay District Police Act of 1867, and shall forthwith make a report to the [3] Magistrate to whom he is subordinate, and act thereafter as he may be directed by the said Magistrate, unless the property be of a description coming within the provisions of [4] Act III of 1857 (*an Act relating to trespasses by cattle*) in which case the Police-patel shall be guided by that enactment. VII of 1867.

Prosecution under other Regulations, etc., for offence punishable by Act.

20. Nothing contained in this Act shall be construed to prevent the prosecution of any person under any other Regulation or Act for any offence made punishable by this Act, or from being liable under any other Regulation or Act to any other or higher penalty or punishment than is provided for such offence by this Act :

Provided that no person shall be punished twice for the same offence.

Provision in case of absence, sudden illness, etc., of Police-patel.

21. In case of the Police-patel being unable to attend to his duty, owing to urgent absence from the village, sudden illness or other cause, he shall place a competent kinsman, or failing a competent kinsman some other competent person, in charge of his office, making an immediate report to the Magistrate to whom he is immediately subordinate ; and the person so placed

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[1] The words " of Police " and " of this Act " in s. 18 were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

[2] *Supra*, p. 475.

[3] As to duty of Magistrate in certain cases, *see* the Bombay District Police Act, 1890 (Bom. Act 4 of 1890), s. 58, in Vol. III of this Code.

[4] *See* now the Cattle Trespass Act, 1871, as modified up to 1st May, 1906.

in charge shall, until the receipt of instructions to the contrary, continue to act for the Police-patel in all his duties except those which involve the trial and punishment of offenders.

"District Police-station" defined.

22. The term "District Police-station" in this Act shall include the villages or places within the limits of the charge of a Police-officer in charge of a station.

23. [*Application of Act to Sindh.*] *Rep. Act XII of 1876.*

Short title.

24. This Act may be cited as the Bombay Village Police Act, 1867.

THE BOMBAY FERRIES ACT, 1868.

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